

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

BOBBIE JEAN JACK, et al,	§	
<i>Plaintiff,</i>	§	
	§	
V.	§	CASE NO. 1:05-CV-268
	§	
UNITED STATES OF AMERICA,	§	
<i>Defendant.</i>	§	

MEMORANDUM ORDER
ADOPTING REPORT AND RECOMMENDATION ON DISMISSAL

Pursuant to 28 U.S.C. § 636(b)(1)(A) and the Local Rules for the United States District Court, Eastern District of Texas, Appendix B, the Court referred this matter to United States Magistrate Judge Keith F. Giblin for consideration of pretrial matters and proceedings. On June 23, 2005, Judge Giblin filed his *Report and Recommendation* on the dismissal of this civil action [Clerk's doc. #4].

Judge Giblin recommended that the Court grant the Defendant United States' *Motion to Dismiss under Federal Rule of Civil Procedure 12(b)(1)*. To date, the plaintiffs have not objected to the *Report and Recommendation*.

Having considered the report, the Court agrees with the magistrate and incorporates his findings of fact and conclusions of law in support of this order or dismissal. The Court therefore **ADOPTS** the *Report and Recommendation on Dismissal* [Clerk's doc. #4].

Pursuant to the *Report and Recommendation*, it is **ORDERED** that the *Defendant's Motion to Dismiss Under Federal Rule of Civil Procedure 12(b)(1)* [Clerk's

doc. #3] is **GRANTED** and Plaintiffs' *Complaint* [Clerk's doc. #1] is **DISMISSED** for lack of subject matter jurisdiction. All motions not addressed herein are denied as **MOOT** and this matter shall be closed.

SIGNED at Beaumont, Texas, this 8th day of July, 2005.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE